

REMARKS

This amendment is responsive to the Final Office Action mailed on July 25, 2008. Claims 1-4, 8-29, 59, 61, 62, 65, 66, and 70-93 stand rejected. Claims 1, 59, 65, 70, and 93 have been amended. Claims 8, 12, 21, 22, and 66 have been canceled. Claims 94-111 are new. In view of the following remarks, Applicant respectfully submits that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

As an initial matter, Applicant would like to thank Examiner Garg for the consideration extended in the telephone interview with Applicant's representative Ana C. Jaquez on October 16, 2008. During the interview the present rejections were discussed in relation to the independent claims. Suggestions for claim amendments were discussed which would overcome the current rejections, though Examiner Garg noted that the claim amendments would warrant a further search. Applicant believes that the claims amendments are consistent with this discussion. If the Examiner is of the belief that the claims as they presently read are not yet in proper configuration for allowance, the Examiner is urged to contact the undersigned for a follow-up telephone interview.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-4, 8-29, 59, 61, 62, 65, 66, and 70-93 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0032093 to Segal ("*Segal*") in view of Buycaskets.com (PTO-892, Ref. U) ("*Buy*"). Of these claims, claims 1, 59, 65, 70 and 93 are the independent claims.

With respect to claims 1 and 94, applicant has amended claim 1 to include "generating a profile including a plurality of profile parameters, wherein the plurality of profile parameters are related to a personal funerary preference and a lifestyle of a decedent, and the lifestyle of the decedent is associated with a profession of the decedent." New claim 94 parallels claim 1, except that claim 94 recites in part "generating a profile including a plurality of profile parameters, wherein the plurality of profile parameters are related to a personal funerary preference and a lifestyle of a decedent, and the lifestyle of the decedent is associated with a hobby of the decedent." The plurality of profile parameters within the profile are then utilized to

generate a plurality of groupings of products and services each associated with a profile parameter. The Office Action indicates that generating a plurality of groupings of products and services associated with a profile parameter is disclosed at paragraph [0024] of *Segal*. Applicant respectfully disagrees. Paragraph [0024] discloses a database containing information related to service providers, their locations and the services that they offer. At best any groupings would be groupings of services provided by specific service providers. There is no disclosure in paragraph [0024] related to grouping products and services associated with a profile parameter. Furthermore, there is neither disclosure in paragraph [0024] nor anywhere else in *Segal* related to generating a profile including a plurality of profile parameters related to a personal funerary preference and a lifestyle of a decedent, much less where the lifestyle of the decedent is associated with a profession (as recited in amended independent claim 1) or a hobby (as recited in independent claim 94).

Additionally, Applicants also disagree with some of the other analysis in the Office Action. For instance, it is worth noting once again, that the Office Action relies on paragraph [0044] (among others) to argue that *Segal* discloses “steering generation of the funeral plan according to the profile parameter that relates to the personal funerary preference of the decedent....” However, *Segal*, instead, merely discloses a generic planning approach that permits the user to broadly choose between burial or cremation paths, as one of the many possible options available to users. Specifically, paragraph [0044] of *Segal* states the following:

“Referring to FIGS. 5, 7, 9, and 11, if the user chooses a traditional burial, the user is provided with options for securing a hearse and for buying a casket. Referring to FIGS. 6, 10, and 12, if the user chooses a cremation service, the user is presented with options for cremation providers as well as for purchasing urns. A priest, rabbi or other minister may also be selected to administer the services.”

However, these alternative paths are generally within a larger system of choices illustrated in FIG. 3 of *Segal*. As a result, the user may still become overwhelmed with choices, which is one of the concerns the present invention seeks to address.

Moreover, *Buy* fails to remedy the deficiencies of *Segal*. *Buy* is an online service for ordering a casket. *Buy* offers different types of caskets under the “Browse” menu of which

the hardcopy reproduction of the website (*Buy* page 3) illustrates only one choice. The other choices in the menu (which has been reproduced at the right below) show the other types of caskets being of different construction materials, namely Bronze, Copper, Stainless Steel, Steel, Wood,



Cloth/Fiberboard. Additionally Oversize and Cremation caskets are available. *Buy* clearly fails to disclose “generating a profile including a plurality of profile parameters, wherein the plurality of profile parameters are related to a personal funerary preference and a lifestyle of a decedent, and the lifestyle of the decedent is associated with” either “a profession of the decedent” (claim 1) or “a hobby of the decedent,” (claim 94) “generating a plurality of groupings of products and services each associated with a profile parameter of the plurality of profile parameters,” or “steering generation of the funeral plan according to the profile parameter that relates to the personal funerary preference and the lifestyle of the decedent by prompting user selections from the grouping of products and services associated with the profile parameter” as recited in amended independent claim 1 and new claim 94. *Buy* is merely a website facilitating the selection of a casket. Furthermore, the Office Action asserts that the *Buy* discloses a lifestyle of a decedent, which is not disclosed in *Segal*. Applicant, however, disagrees with this assertion. If the “Browse” menu of the website were truly a selection based on a lifestyle of a decedent, then the selection list would contain other lifestyle related choices rather than a selection of construction materials or oversized caskets.

Therefore, given that neither *Segal* nor *Buy*, alone or in combination, discloses or suggests “generating a profile including a plurality of profile parameters, wherein the plurality of profile parameters are related to a personal funerary preference and a lifestyle of a decedent,” where the lifestyle of the decedent is associated with a profession of the decedent (claim 1) or a hobby of the decedent (claim 94), “generating a plurality of groupings of products and services each associated with a profile parameter of the plurality of profile parameters,” or “steering generation of the funeral plan according to the profile parameter that relates to the personal funerary preference and the lifestyle of the decedent by prompting user selections from the grouping of products and services associated with the profile parameter.” Applicant submits that no *prima facie* case of obviousness has been established with respect amended independent claim 1. Reconsideration and allowance of claim 1, as well as of claims 2-4, 9-11, 13-20, and

23-29 which depend therefrom, are therefore respectfully requested. Applicant also submits that new claims 94-107 are also allowable for the reasons set forth above. Claims 8, 12, 21, and 22 have been canceled rendering their rejections moot.

Claim 59 is a program product claim for the computer-implemented method of claim 1. Claim 59 has been amended similarly to claim 1, except that the lifestyle of the decedent is recited as being associated with either a profession of the decedent or a hobby of the decedent. Claim 59 is therefore patentable over *Segal* and *Buy*, alone or in combination, for the same reasons set forth above. Therefore, reconsideration and allowance of claim 59, as well as of claims 61 and 62 which depend therefrom, are therefore respectfully requested.

With respect to claim 65, the claim has been amended to include the elements of dependent claim 66. Amended claim 65 now recites in part “allowing retrieval of product and/or service information from the database . . . to only a subset of the database that corresponds to products and services offered by a funeral service provider.” *Segal* discloses using a central database system containing product and service information from multiple providers. However, *Segal* fails to disclose allowing access to only a subset of the database products and services that are offered by a service provider. In fact, *Segal* fails to address a limited access to the central database anywhere in the reference. At best *Segal* discloses a private database for a family at paragraph [0027]. There is also no disclosure of allowing access to a subset of a central database in *Buy*. Therefore, Applicant submits that no *prima facie* case of obviousness has been established with respect amended independent claim 65. Reconsideration and allowance of claim 65 is therefore respectfully requested. Claim 66 has been canceled rendering its rejection moot.

With respect to claims 70 and 93, Applicant is not attempting to broadly claim online funeral planning, but rather, claims 70 and 93 are directed to a particular approach for presenting planning options to a user, and the claimed approach offers features that guide users according to a specific budgetary approach. As previously indicated during prosecution, rather than presenting a planner with an overwhelming amount of all available products, the claimed planning approaches focus users by initially recommending products that already conform to a

budgetary parameter. After first receiving the parameter from the user, Applicant's system presents the user with pricing information for goods and/or services already associated with that parameter. The products and services are carefully designed to individually and collectively accord with the budgetary parameter while completing aspects of the funeral plan. The user's planning is steered according to the budgetary parameter to make more informed and focused selections while creating or selecting a funeral plan. Indeed, using the budgetary approach of claims 70 and 93, user input is matched to product and service recommendations that conform to the user's budget. Thus, the budget approach streamlines the planning process by presenting a client with focused recommendations that are based on a budgetary parameter. Applicant has amended claims 70 and 93 to further clarify that "the . . . budgetary parameters [are] indicative of at least one of an expectant budget for the plan, an income associated with a user, a geographic consideration, or an insurance consideration." Moreover, Applicant has further amended claims 70 and 93 to clarify that "each product and service in the groupings of the plurality of groupings of products and services is included because it meets or complements a budgetary criterion or requirement associated with the budgetary parameter."

On the other hand, the passages cited in *Segal* in the Office Action, as well as other passages in *Segal*, merely disclose a conventional, ala carte listing of all available products. And, even though pricing information may be mentioned in *Segal* in the cited passages and figures, none of these cited passages and figures disclose or suggest creating a funeral plan based upon a budgetary parameter. Moreover, many of the cited passages and figures do not even deal with budgets, money, pricing, etc. While *Segal* does disclose providing pricing information (paragraph [0012]) and correlating costs with consumer ratings (paragraph [0034]) *Segal* fails to disclose including or grouping products and/or services because the products and/or services meet or complement a budgetary criterion or requirement associated with the budgetary parameter.

As previously argued, *Segal* merely discloses an ala carte listing of services and products, and the ability of a user to select a service or product based upon the price of that service or product, which is not the same as including "each product and service in the groupings of the plurality of groupings of products and services . . . because it meets or complements a

budgetary criterion or requirement associated with the budgetary parameter” as now recited in amended independent claims 70 and 93. *Segal* simply continues to indicate the same conventional approaches that may frustrate many consumers.

Turning now to *Buy*, and specifically pages 2-3 thereof, these pages disclose that a user may identify caskets on BuyCaskets.com using a “select price range” feature. At the most, however, the search feature only provides a few predefined selected price ranges for purchasing a casket. Furthermore, searching for a casket is only one product, and as set forth above, funeral plans generally require many products and/or many services. Indeed, the use of a price range in *Buy* for searching a single product (i.e., casket) may have the same shortcomings because a user may still have to search through an ala carte listing of other services and/or other products, and revise the selections if the user is over budget, etc., even if a casket is identified via *Buy*. Moreover, choosing from a predefined list of price ranges is not the same as “generating a plurality of budgetary parameters, wherein the plurality of budgetary parameters is indicative of at least one of an expectant budget for the plan, an income associated with a user, a geographic consideration, or an insurance consideration” as recited in amended claims 70 and 93.

As such, the combination of *Segal* and *Buy* falls short of disclosing each and every feature of claims 70 and 93. In particular, neither discloses or suggests “generating a plurality of budgetary parameters, wherein the plurality of budgetary parameters is indicative of at least one of an expectant budget for the plan, an income associated with a user, a geographic consideration, or an insurance consideration” or “generating a plurality of groupings of products and services each associated with a budgetary parameter of the plurality of budgetary parameters, wherein each product and service in the groupings of the plurality of groupings of products and services is included because it meets or complements a budgetary criterion or requirement associated with the budgetary parameter” as recited in amended claims 70 and 93. Additionally, Applicant respectfully submits that the rejection is improperly reliant on hindsight, and as the Office Action has not otherwise provided any credible reason why one of ordinary skill in the art would be motivated to modify *Segal* to include a budgetary parameter for steering generation of a funeral plan, as would be required to find claims 70 and 93 obvious. Withdrawal of the rejections and allowance of independent claims 70 and 93, and of claims 71-92 which depend

therefrom, are therefore respectfully requested. Additionally new claims 108-111 are also allowable for the reasons set forth above.

As a final matter, applicant further notes that the remaining dependent claims recite additional features that further distinguish these claims from the reference cited by the Examiner. However, in the interest of prosecutorial economy, these remaining claims will not be addressed separately herein.

Conclusion

Applicant has made a bona fide effort to respond to each and every requirement set forth in the Office Action. In view of the foregoing amendments to the claims and remarks given herein, Applicant respectfully believes this case is in condition for allowance and respectfully requests allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicant is of the opinion that a fee for a one month extension of time is due with this Amendment. Payment of all charges due for this filing is made on the attached Electronic Fee Sheet. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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Date

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